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VIA ECF & FACSIMILE

Hon. Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Harvey H. Jay, M.D., v. Spectrum Brands Holdings, Inc., et al*
13-cv-8137 (LTS) (DCF)

Dear Judge Swain:

In accordance with Your Honor's Individual Practices, and Local Rule 7.1(d), the parties jointly and respectfully submit this Letter Motion requesting:

(1) an additional fifteen (15) pages for the opening and responsive claim construction briefs so that the limit is forty (40) pages for each such brief. *See e.g., Amplify Education, Inc. v. Greenwood Publishing Group, Inc.*, Civil Action No. 1:13-cv-2687, Jun. 16, 2014 Order [Dkt. 49] (S.D.N.Y.) (allowing 40 pages for each of the opening and responsive claim construction briefs). The parties seek these additional pages to inform the court as to the technology, and to fully set forth their arguments with respect to each of the asserted claims of each of the five patents-in-suit.

(2) that the deadlines for claim construction briefing set forth in Your Honor's Pre-Trial Scheduling Order No. 1, at ¶ 4 [Dkt. 23] and the parties' Rule 26(f) Discovery Plan Report, subdivision II, at ¶¶ 7-9 [Dkt. 21], be modified as follows:

Deadline for Plaintiff to file his Opening Claim Construction Brief	August 18, 2014	September 2, 2014
Deadline for Defendants to file their Response to the Opening Claim Construction Brief	September 17, 2014	October 2, 2014
Deadline for Plaintiff to file a Reply solely rebutting Defendants' Response	September 24, 2014	October 9, 2014

These revised dates will not affect the Markman Hearing scheduled for October 22, 2014. Nor will they affect any other date set forth in Your Honor's Pre-Trial Scheduling Order No. 1 [Dkt. 23]. The parties request this modified schedule, in part to allow Plaintiff to draft his opening claim construction brief after the parties' obligation to inform the court, on August 22, of their selection of a maximum of thirty (30) claim terms for construction at the Markman Hearing. [Dkt. 36]. The parties also request this modification to accommodate their respective counsel's availability over the next few months.

Respectfully submitted,

Dated: August 15, 2014

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